

BOIES, SCHILLER & FLEXNER LLP
OAKLAND, CALIFORNIA

WILLIAM A. ISAACSON (Admitted *Pro Hac Vice*)
(wisaacson@bsfllp.com)
BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Ave, NW, Washington, DC 20015
Telephone: (202) 237-2727; Fax: (202) 237-6131

JOHN F. COVE, JR. #212213
(jcove@bsfllp.com)
BOIES, SCHILLER & FLEXNER LLP
1999 Harrison Street, Suite 900, Oakland, CA 94612
Telephone: (510) 874-1000; Fax: (510) 874-1460

RICHARD J. POCKER #114441
(Admission to N.D. Cal. pending)
(rpocker@bsfllp.com)
BOIES, SCHILLER & FLEXNER LLP
300 South Fourth Street, Suite 800, Las Vegas, NV 89101
Telephone: (702) 382 7300; Fax: (702) 382 2755

DONALD J. CAMPBELL (Admitted *Pro Hac Vice*)
(DJC@campbellandwilliams.com)
J. COLBY WILLIAMS (Admitted *Pro Hac Vice*)
(JCW@campbellandwilliams.com)
CAMPBELL & WILLIAMS
700 South 7th Street, Las Vegas, Nevada 89101
Telephone: (702) 382-5222; Fax: (702) 382-0540

*Attorneys for Defendant Zuffa, LLC, d/b/a
Ultimate Fighting Championship and UFC*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

Cung Le, Nathan Quarry, Jon Fitch, on behalf
of themselves and all others similarly situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

Defendant.

Case No. 5:14-cv-05484 EJD

**DECLARATION OF JOHN F. COVE, JR.
IN SUPPORT OF DEFENDANT ZUFFA,
LLC'S OPPOSITION TO PLAINTIFFS'
ADMINISTRATIVE MOTION TO
APPOINT INTERIM CO-LEAD COUNSEL**

BOIES, SCHILLER & FLEXNER LLP
OAKLAND, CALIFORNIA

Luis Javier Vazquez and Dennis Lloyd Hallman, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC,

Defendant.

Case No. 5:14-cv-05591 EJD

Brandon Vera and Pablo Garza, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC,

Defendant.

Case No. 5:14-cv-05621 EJD

1 I, JOHN F. COVE, JR., declare as follows:

2 1. I am an attorney admitted to practice before this Court and the courts of the State
3 of California. I am a partner in the law firm Boies, Schiller & Flexner LLP, counsel to Defendant
4 Zuffa, LLC (“Zuffa”) in this case.

5 2. I submit this declaration in support of Zuffa’s Opposition to Plaintiffs’
6 Administrative Motion to Appoint Interim Co-Lead Counsel. I have personal knowledge of the
7 facts stated in the declaration and if called to testify, I would and could competently testify to
8 those facts.

9 3. On January 26, 2015, I spoke on the phone with Joseph R. Saveri regarding
10 various case management issues for the above-captioned cases. This declaration addresses two of
11 the several subjects we discussed. Plaintiffs proposed that the parties stipulate that Berger &
12 Montague, P.C.; Cohen Millstein Sellers & Toll PLLC; and the Joseph Saveri Law Firm, Inc. be
13 appointed Interim Co-Lead Counsel. I told Mr. Saveri that, given the inherent adversity between
14 a defendant and the putative class in a purported class action, that I did not believe that it was
15 appropriate for a defendant to stipulate to appointment of class counsel and that such stipulations
16 were not common practice. Therefore, I suggested that they proceed by motion. I also told Mr.
17 Saveri that Zuffa did not anticipate taking a position on a motion to appoint Interim Co-Lead
18 Counsel.

19 4. The form of the motion to appoint Interim Co-Lead Counsel was never discussed
20 and Zuffa did not acquiesce in the filing of an Administrative Motion on this subject.

21 5. Mr. Saveri and I also discussed the issue of consolidation of the three cases.
22 Plaintiffs proposed that the cases be consolidated for pre-trial purposes only. I told Mr. Saveri
23 that, since the three cases all sought to represent the exact same classes based on the same
24 allegations, Zuffa’s position was that the cases should be consolidated for all purposes, not just
25 pre-trial. Mr. Saveri indicated that he would consider our position. We have not had a follow-up
26 discussion on this issue.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed on this 6th day of February, 2015 in Oakland, California.



JOHN F. COVE, JR.